

## Director's Corner

**Bart Pickelman, CIH, Director**



On Oct. 14, MIOSHA issued COVID-19 emergency rules to clarify requirements for employers to control, prevent, and mitigate the spread of infection.

MIOSHA is one of the first state OSHA programs to issue emergency rules employers must follow to protect their employees

from COVID-19. Gov. Whitmer signed her concurrence of the need for a comprehensive set of [Emergency Rules](#) that will help protect workers in Michigan. Additionally, to ensure that employers are complying with the requirements, MIOSHA launched three new State Emphasis Programs for [offices](#), [manufacturing](#) and [construction](#) industries. Learn more about what you can do to maintain a safe and healthy workplace by checking out our [resources](#) for your industry.

MIOSHA awarded over \$8 million in grant funds to about 1,500 businesses in October. The funds from the Michigan COVID-19 Safety Grant Program will help businesses invest in exactly what they need to create safe workplaces for their specific situation, from a dental office to a bar. Grants were awarded for up to \$10,000 in matching funds to recipients across industries. Employers with less than 250 employees from all [10 of Michigan's prosperity regions](#) were selected and including the match from MIOSHA will spend \$16.3 million on safety equipment, materials, and other COVID-19 precautions.

MIOSHA is also working with employers through its Ambassador Program where safety and health professionals visit businesses statewide to offer education and support. They will focus on workplaces with a higher risk of community transmission, such as bars, restaurants, retail stores, gas stations, convenience stores, bowling alleys and gyms. Educational materials in the Ambassador toolkit can be found at [Michigan.gov/COVIDWorkplaceSafety](#).

## Silica State Emphasis Program (SEP) Launched

**Anthony Smykla, Industrial Hygienist  
Consultation Education and Training (CET) Division**

Crystalline silica is as old as our planet. Sand, concrete, brick, block, natural stone and mortar all contain crystalline silica. It is a common mineral found in naturally occurring and man-made materials. Also ancient is our knowledge of the effects of breathing respirable crystalline silica (RCS).

2500 years ago, the ancient Greeks were aware of the hazards of breathing the dusts produced in their mines and quarries so they created the first known respirator out of a pig's bladder! In 1556, silicosis was described by Georgius Agricola who he proposed improved mining methods to reduce airborne dust. In the 1930s the U.S. Secretary of Labor, Francis Perkins, initiated a campaign to "Stop Silicosis".

So why are we still talking about silica? Because nationally, approximately 2.3 million workers are still exposed to RCS. RCS – very small particles of silica 100 times smaller than ordinary sand found on beaches or playgrounds – is generated in workplaces by high-energy operations like cutting, sawing, grinding, or when abrasive blasting with sand. Inhalation of RCS can cause silicosis, an incurable and debilitating lung disease that impairs a person's ability to take a full breath due to scarring of the lungs.

In 2017, MIOSHA issued two standards: [Part 590 Silica in General Industry](#) and [Part 690 Silica in Construction](#). These standards reduced the amount of RCS which could be in the air workers breathe, and required employers to take immediate action to protect their employees from RCS exposures in the workplace.

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## Silica State Emphasis Program (SEP) Launched *(continued)*

### Anthony Smykla, Industrial Hygienist, CET Division

To further protect workers in Michigan, MIOSHA issued [Agency Instruction MIOSHA-COM-20-5 Silica – State Emphasis Program](#). This instruction establishes an SEP to reduce employee exposures to RCS and prevent silicosis. The SEP includes outreach to affected industries to consult, educate and train employers and the public of the dangers associated with RCS. Affected industries include: construction, concrete manufacturing, foundries, and many more.

To focus MIOSHA resources, a list of workplaces most likely to have employees exposed to RCS has been created. The list includes industries that have historically had RCS overexposures and industries that have a prevalence of silicosis cases in Michigan. Establishments on the list may receive an enforcement investigation to ensure compliance with Occupational Health Standard Part 690, Silica in Construction, or General Industry Safety and Health Standard Part 590, Silica in General Industry. The investigations are unannounced and conducted by MIOSHA's enforcement divisions. If the investigation reveals conditions that are not in compliance with MIOSHA regulations, citations are issued and may carry monetary penalties.



*Very fine particles of crystalline silica dust can reach the deepest regions of the lung.*

MIOSHA's Consultation Education and Training (CET) staff can help identify RCS hazards in workplaces. In addition, they can assist employers by conducting a consultative audit of their operation and help with developing and implementing a comprehensive safety and health system. Employers may request a free CET visit and silica exposure monitoring.

## Hearing Decision: MOAHR Docket No. 19-001930, Inspection No. GI 1325299

### Dawn C.M. Jack, Director, Appeals Division

In July, an Administrative Law Judge ("Judge") issued a ruling on a contested citation arising from a worker injury accident investigation.

In July of 2018, the General Industry Safety and Health Division (GISHD) of the MIOSHA investigated a fall of a worker which occurred in Ann Arbor, Michigan on June 22, 2018.

MIOSHA's investigation determined that an employee was carrying a large box of stock weighing as much as 69 pounds down a seven step, 70-inch-high ladder stand when the employee fell from the ladder. The employee was hospitalized and suffered from a broken left hip and arm laceration.

MIOSHA issued the company a citation for violation of Rule [29 CFR 1910.23\(b\)\(13\)](#) contained in General Industry Safety and Health Standard Part 2, Walking-Working Surfaces. The rule provides:

No employee carries any object or load that could cause the employee to lose balance and fall while climbing up or down the ladder.

The alleged violation was classified as "Serious" and a \$7,000 penalty was proposed. The company subsequently appealed the citation to the administrative hearing level. A hearing was held on October 8, 2019.

The evidence during the administrative hearing established that the employee was a stocker who was responsible for loading and unloading inventory materials from the company's shelves. On the day of the accident, the employee was given a list of stock to be moved from upper to lower shelves. The list included a 44-gallon well tank which was enclosed in a 22- by 37-inch box. While the list contained some information about the stock items, it did not include their weight. The box containing the well tank also did not contain reference to the item's weight. The only method for the employee to obtain the weight of an item, was for the employee to enter the product information

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## Hearing Decision: MOAHR Docket No. 19-001930, Inspection No. GI 1325299 *(continued)*

**Dawn C.M. Jack, Director, Appeals Division**

on the company computer. The employee had not obtained this information from the computer nor was the employee ever instructed to do so prior to performing stocking tasks. As the employee retrieved the well tank box from the upper shelf and hoisted it onto a shoulder, the employee began to immediately lose balance and fall down the ladder.

At hearing, the company asserted that it had complied with Rule 29 CFR 1910.23(b)(13) through its Personal Protective Equipment (PPE) Guide Training. The company indicated that the injured employee had been provided with ladder training and required to sign a PPE Guide which acknowledged that the employee was provided training on ladder safety. The signed PPE Guide also indicated, “[d]o not carry awkward or heavy loads; utilize an order selector for these.” The company contended that the PPE Guide’s instruction to its employees not to carry awkward or heavy loads and to use an order selector to obtain such items, complied with its obligations under the MIOSHA rule. In addition, the company argued that the employee had engaged in employee misconduct by attempting to carry an item which was too heavy instead of using an order selector.

MIOSHA asserted that the company’s vague reference in the PPE Guide, without any further efforts to inform employees of the weight of objects, was not adequate. MIOSHA also contended that the company could not avail itself of the affirmative defense of employee misconduct because it had failed to properly monitor its employees to ensure they were following the PPE Guide and not carrying heavy items up and down ladders.

Following the hearing, the Judge issued a report upholding the citation and penalty. Finding in favor of MIOSHA, the Judge noted that the testimony from the injured employee established that the employee had never been trained on the use and operation of an order selector, and thus was unable to use such a device to perform the task. The Judge also noted that the company did not provide additional written instructions or guidance to employees regarding what items were to be deemed too heavy or awkward to carry. In finding the company was or could have been aware of the violation condition through the exercise of reasonable diligence, the Judge explained:

*There is no evidence on the record to show that [the company] employed some sort of a system for employees to identify the weight of an item or rules restricting them from carrying items over a specific weight limit. Instead, [the company] shifted this risk to its employees to research and discover the weight of the items they were asked to carry when using the mobile ladders. [The company] knew or could have known that its employees lacked easily accessible information to adequately assess whether an item was too heavy to carry on the mobile ladder...[The company] knew or should have known that employees would be unable to safely identify what is an awkward or heavy load without additional information concerning the weight of the item. That way, an employee would be armed with the requisite information to make a safe decision before attempting to carry an item on the ladder. Asking the employee to “figure it out for themselves” is inadequate. The fact that some individual employees may be able to carry these items is also insufficient.*

The Judge also examined the company’s employee misconduct defense. The judge determined that while the company had a safety rule against carrying heavy objects, it failed to demonstrate any guidelines for when an item would be deemed too heavy to trigger enforcement of the rule nor any efforts to actually enforce the rule. The Judge held:

*It is not enough for an employer to have a safety rule in place, then train employees to follow the rule, but fail to enforce employee noncompliance with the rule.*

The Judge’s decision has been submitted to the Board of Health and Safety Compliance and Appeals (“Board”) for a determination as to whether it will be adopted as a final order of the Board.





## MVPP Best Practices — Herman Miller

**Doug Kimmel, MVPP Specialist, CET Division**

**Scott Plummer, Sr. Corporate Safety & Sustainability Specialist, Global Operations Engineering, Herman Miller**

The Herman Miller main site, a MIOSHA MVPP Star site since 2008, is a furniture manufacturing operation, producing furniture for the home and office, as well as for the educational and medical industries.

The MVPP Star is MIOSHA's highest safety recognition and is awarded to sites for the successful implementation of an exemplary safety and health management system. The identification of best practices is integral to the MVPP continuous improvement process.

Like most employers, Herman Miller is proactively addressing the unprecedented challenges associated with the COVID-19 pandemic; including how to effectively implement the appropriate controls (substitution/engineering, administrative, work practices, and PPE), while trying to get employees back to work in a very short timeframe.

Some of the steps that Herman Miller has taken to reduce the potential for exposure to COVID-19 include the elimination of common touch points, six-foot social distancing, requiring the use of face masks, health screenings, increased sanitation, etc.

While the implementation of these and other control measures have been helpful in slowing the spread of the virus, they have also raised other concerns, such as changes in the interactions between PIV's (powered industrial vehicles) and pedestrians.



*One-Way Directional Travel Arrows*



*GSO Pedestrian Crossing Gate  
Replaced With Flashing Sign*

How has the implementation of these protective measures influenced the interaction between PIV's and pedestrians? For one thing, the elimination of common touch points, such as spring loaded, one-way cross walk gates has influenced traffic patterns, making communication and interactions between pedestrians and PIV operators more difficult. The necessity for proper social distancing has required changes to the manufacturing floor, which has affected traffic patterns. The use of face masks can cause distraction and/or reduce vision due to fogging of safety glasses or face shields.

While Herman Miller understands that the measures to combat the pandemic are necessary, and in many cases required, they also realize they have an obligation to ensure the health and safety of their team members from all potential hazards.

To address the challenges presented by the changes in the interactions between PIV's and pedestrians, they developed and implemented a Workplace Transport Risk Reduction Program.

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## MVPP Best Practices — Herman Miller (continued)

Doug Kimmel, MVPP Specialist, CET Division

Scott Plummer, Sr. Corporate Safety & Sustainability Specialist, Global Operations Engineering, Herman Miller

The elements of the program include:

### 1. Workplace Transport Hazard Identification Map

Develop a map that identifies the high-risk areas, with a focus on the protective measures to be taken. Classify each area into zones:

- Zone 1 – Pedestrian Only
- Zone 2 – Light Mixed Use
- Zone 3 – Heavy Mixed Use
- Zone 4 – Workplace Transport Only

### 2. Risk Assessments

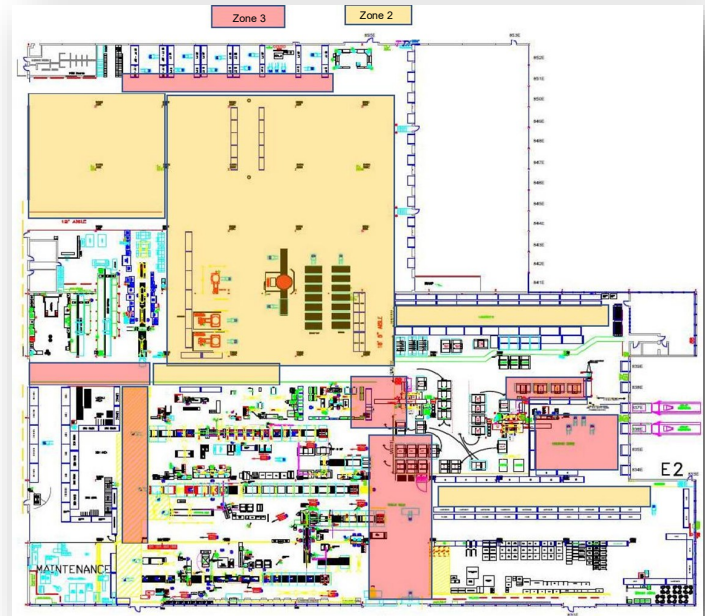
Conduct risk assessments of each zone. Starting with the highest risk areas first – particularly Zone 3 (heavy mixed use).

### 3. Hierarchy of Controls

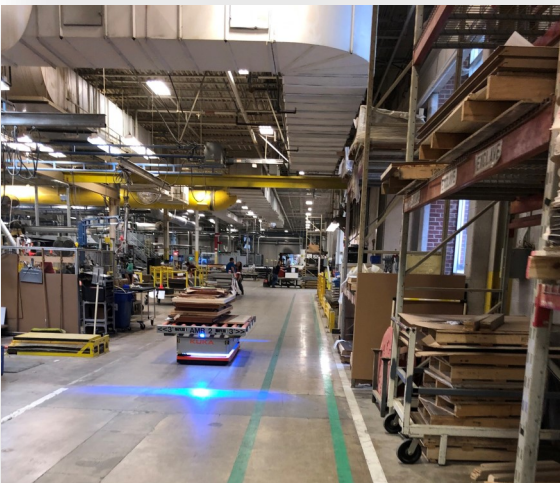
- a. Wherever possible, eliminate Zone 3 Heavy Mixed-Use areas. This is done by reducing the risks down to Zone 2 (Light Mixed-Use areas) or re-designating the area as Zone 4 (Workplace Transport Only).
- b. Where Zone 3 Heavy Mixed-Use areas cannot be eliminated or changed, implement engineering controls, such as:
  - Installing Non-contact Barriers
  - Installing PIV Speed Governing Pedestrian Proximity Sensors
  - Autonomous Mobile Robots (AMRs) – programmed to safely perform tasks
  - Automated Guided Vehicles (AGVs) – which follow only prescribed traffic routes
- c. Utilize administrative controls
  - One-way Traffic Routes
  - Restricted Employee Access to High Risk Areas
  - Distraction Awareness Training (for both PIV operators and pedestrian team members)
  - High Visibility Traffic Vests

### 4. Review

To ensure continued effectiveness, regularly monitor the work areas and traffic patterns (including when changes are made to operating areas) and annually review the Workplace Transport Risk Reduction Program.



Main Site Building E WT Zone Map



AMR at Main Site

Other steps taken to reduce the spread of COVID-19, includes symptomatic health monitoring for both PIV operators and truck drivers and increased sanitation cleaning/hygiene protocols for PIV's.

The implementation of the Workplace Transport Program, as well as the other steps taken to reduce the spread of COVID-19, has allowed Herman Miller to return their team members to the workplace while managing exposure to the virus and improving the overall safety conditions, including the interaction between PIV's and pedestrians.



## MIOSHA Employee Discrimination

**April Strahan, Discrimination Section Investigator, GISHD**

The Employee Discrimination Section (EDS) of MIOSHA investigates allegations of employee retaliation. Employees who feel they have been written up, demoted, terminated, etc., because they exercised their rights under the Michigan Occupational Safety and Health (MIOSH) Act, Act 154 of Public Acts of 1974, as amended, can file a complaint with the MIOSHA EDS (within thirty days of the adverse action) for investigation. Once the complaint has been filed, the investigator assigned will gather information from the complainant, the employer, and witnesses in order to make a final determination.

Examples of employee rights under MIOSHA include (but not limited to): voicing an unsafe or unhealthy working condition to management, filing a safety or health complaint with MIOSHA, and assisting a MIOSHA representative during an investigation or inspection. It is unlawful for an employer to take an adverse action against an employee for engaging in such activities.

Although MIOSHA provides protection to employees against retaliation, it is important for employers and employees alike to understand that MIOSHA does not represent an employee who has filed a discrimination complaint. EDS investigators simply gather facts in order to ascertain the cause of the action taken against the employee. If the evidence proves that the employer's decision was motivated by the employee exercising their rights under the MIOSH Act, EDS will issue a determination to make the employee whole; i.e., removal of disciplinary action, reinstatement to former position, backpay, and whatever the employee "lost" as a result of the adverse action. However, if the employer is able to provide evidence that the action taken against the employee was due to legitimate business reasons, and the employee is unable to prove otherwise, the complaint will be dismissed. In either scenario, either party has the right to file an appeal of the final determination made by EDS.

Let us consider several examples of discrimination complaints: an employee who worked for an employer for approximately two years, was terminated the same day he voiced safety concerns to his supervisor and safety director (simultaneously). Since he believed he was terminated for voicing safety concerns, he filed a discrimination complaint with EDS. The employer maintained that the employee was not terminated for voicing safety concerns; rather, he was terminated for leaving the jobsite frequently (attendance), and for causing a "toxic" work environment. They gave several examples of complainant's actions. However, the employer was unable to provide record of disciplinary action or other documentation to support their reasoning. Also, upon interviewing witnesses (which included management, employees, and other individuals who had contact with complainant but didn't work for the employer), the employer's reasoning was not corroborated. In fact, some of the statements made by the employer were proven to be untrue, according to some of the witnesses. Lack of documentation, and witness statements, in combination with the timing of the complainant's termination (the same day he voiced safety concerns) was enough for EDS to prepare to uphold the complaint. Prior to issuing a determination, the parties resolved the complaint by reaching a settlement, which is something that is often explored by EDS.



In another example, an employee filed a safety and health complaint against his employer. According to the employee, shortly after the MIOSHA safety officer arrived on site to conduct an inspection, he was called into the office by management. He indicated the management official asked him if he filed the complaint, and in response, the employee admitted to doing so. He was terminated on the spot. When the EDS investigator interviewed the management official, he confirmed this scenario. As a result of the investigation, EDS issued a decision upholding the complaint. The employer was ordered to reinstate the employee to his former position, pay his backpay for the time he was off work, along with interest, and all other benefits to make the employee whole. The employer had 15 working days to file an appeal. However, they did not do so. It was not until after their appeal time expired that a different management official reached out to EDS in an attempt to appeal the determination. Since the appeal was untimely, the determination became a final order and was forwarded to the Attorney General's Office for enforcement.

In another example, an employee filed a safety and health complaint against his employer. According to the employee, shortly after the MIOSHA safety officer arrived on site to conduct an inspection, he was called into the office by management. He indicated the management official asked him if he filed the complaint, and in response, the employee admitted to doing so. He was terminated on the spot. When the EDS investigator interviewed the management official, he confirmed this scenario. As a result of the investigation, EDS issued a decision upholding the complaint. The employer was ordered to reinstate the employee to his former position, pay his backpay for the time he was off work, along with interest, and all other benefits to make the employee whole. The employer had 15 working days to file an appeal. However, they did not do so. It was not until after their appeal time expired that a different management official reached out to EDS in an attempt to appeal the determination. Since the appeal was untimely, the determination became a final order and was forwarded to the Attorney General's Office for enforcement.

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## MIOSHA Employee Discrimination *(continued)*

### April Strahan, Discrimination Section Investigator, GISHD

In yet another example, an employee alleged he was being harassed by his employer after he filed a MIOSHA safety and health complaint. The employee began experiencing health issues shortly after he began working for the employer, which was the basis of his safety complaint. As a result, he was no longer able to perform the job he was hired to do. Interestingly, the employee was terminated during the course of the EDS investigation. On the surface, the employee's termination appeared suspicious. However, after interviewing management and witnesses, it was discovered that the employee (although he was voicing legitimate safety and health concerns to the employer) he was also engaging in behavior which justified his termination. For example, instead of working, he would record other employees with his cell phone, even after being instructed not to do so. He also became frustrated at the tasks the employer was having him do. He believed the work was menial; therefore, a form of harassment. The investigation revealed the employer was trying to keep the employee working and providing him work that would not possibly further harm his health. The employee's frustration oftentimes resulted in escalated arguments with the employer. In the end, EDS dismissed the complaint as this (and additional) evidence obtained did not support the allegation of retaliation. The employee filed an appeal on the decision, which resulted in a hearing with an Administrative Law Judge (ALJ). After hearing all evidence from the parties, the ALJ affirmed the EDS decision to dismiss the complaint.

As you can imagine, each and every case is unique. There are different circumstances surrounding each case and all available information needs to be taken into consideration. A discrimination investigation is never open and shut, nor cut and dry; it is fluid and as information is obtained and witnesses interviewed, the investigation can take the investigator in several different directions. In the beginning of an investigation, an allegation is simply that, an allegation. It is up to EDS to explore all avenues, to obtain all relevant documentation, and interview all relevant witnesses to determine whether or not the allegation is supported with evidence.

## MIOSHA Training Institute (MTI)

### Gloria Keene, MTI Program Coordinator, CET Division

As we adapt to changing circumstances resulting from the COVID-19 pandemic, you **can** have it your way as a participant in MTI. Through December 31, 2020, MIOSHA will be offering several of its MTI training seminars in one of the following four different learning formats to protect the safety and health of our customers and employees:

1. Traditional Classroom Setting - Limited face-to-face instruction at a host site. All our host sites have COVID-19 Preparedness and Response Plans in place.
2. Online – Virtual, self-paced training.
3. Virtual Instructor-Led – Virtual classroom with an in-person instructor.
4. Hybrid/Blended – A combination of virtual classroom and limited face-to-face instruction in a classroom setting.

These various training formats will provide an opportunity for anyone from anywhere in the state to safely participate in MTI's workplace safety and health training seminars. The format available for each training seminar is also listed in the [MTI training calendar](#) located on the website.



*Practicing social distancing at the Parts 35, 90 and 490 Confined Space in-person class held on September 9, 2020, at LCC.*

Below is the feedback of Augustine Syrov, MIOSHA MTI Instructor, to Carolyn Dembowski, Cosponsor at Lansing Community College (LCC). The Parts 35, 90 and 490 Confined Space in-person class was held on September 9, 2020:

*"The two days of in-person MTI training went perfectly. Each component went smoothly while still maintaining safety. The health screening was quick, easy to use, and kept both myself and the screener safe during the process." He also stated, "the COVID-19 training video was very helpful to make sure all students knew LCC's requirements. The classroom was set up nicely to maintain social distancing while still maintaining a conducive learning environment. Allowing students to select their individual sandwich choices was a nice option and I really like how the entire meal was bagged separately with each student's name on it."*

To learn more about MTI and what it can do for you, please contact the CET Division at 517-284-7720 or visit the website at [www.michigan.gov/mti](http://www.michigan.gov/mti).

## Case Study—Employee Exposure to Asbestos, Lead, and Cadmium During Renovation

**Mike Mason, Health Manager, CSHD**

MIOSHA investigated a restoration contractor who was replacing all the windows in an old government building that was originally completed in 1875 and previously renovated in the early 1980s. MIOSHA determined that the contractor removed old wooden windows that were coated with lead- and cadmium-containing paints and sealed with asbestos-containing window glazing. During this work, the employer did not protect its employees by complying with the asbestos, lead, and cadmium rules and regulations. The contractor was cited for violations of the Asbestos Standards for Construction (Part 602), the Lead Exposure in Construction regulation (Part 603), and the construction Cadmium standard (Part 609). The total initial civil penalty was \$45,800.

The following table describes the violations in this case:

Construction Regulation or Standard	Description	Initial Penalty
Part 602, Rule 1926.1101(f)(1)(i), Asbestos Standards for Construction, Exposure assessments and monitoring	Contractor did not perform exposure monitoring.	\$3,000
Part 602, Rule 1926.1101(e)(1), Asbestos Standards for Construction, Regulated areas	Contractor did not conduct work within a regulated area.	\$3,000
Part 602, Rule 1926.1101(e)(6), Asbestos Standards for Construction, Competent persons	Work was not supervised by a competent person.	\$3,000
Part 602, Rule 1926.1101(g)(1), Asbestos Standards for Construction, Engineering controls and work practices	Contractor did not use required engineering controls and work practices.	\$3,000
Part 602, Rule 1926.1101(g)(3), Asbestos Standards for Construction, Prohibitions	Contractor did not prohibit dry sweeping of asbestos-containing material.	\$3,000
Part 602, Rule 1926.1101(g)(8)(v), Asbestos Standards for Construction, Additional work practices for Class II work	Contractor did not ensure that required additional work practices were complied with.	\$3,000
Part 602, Rule 1926.1101(h)(2)(i), Asbestos Standards for Construction, Respirator program	Contractor did not implement a respirator program.	\$3,000
Part 602, Rule 1926.1101(i)(1), Asbestos Standards for Construction, Protective clothing	Contractor did not provide and require the use of protective clothing.	\$3,000
Part 602, Rule 1926.1101(j)(2)(i), Asbestos Standards for Construction, Equipment room or area	Contractor did not establish an equipment room or area for decontamination of employees and their equipment.	\$3,000
Part 602, Rule 1926.1101(k)(3)(i), Asbestos Standards for Construction, Asbestos identification	Contractor did not identify the presence, location, and quantity of asbestos before work was begun.	\$3,000
Part 602, Rule 1926.1101(k)(9)(i), Asbestos Standards for Construction, Employee information and training	Contractor did not provide employees with the appropriate information and training.	\$3,000
Part 602, Rule 1926.1101(l)(2), Asbestos Standards for Construction, Waste disposal	Contractor did not collect and dispose of asbestos waste, scrap, and debris in sealed, labeled, impermeable bags/containers.	\$3,000

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## Case Study—Employee Exposure to Asbestos, Lead, and Cadmium During Renovation *(continued)*

Mike Mason, Health Manager, CSHD

Construction Regulation or Standard	Description	Initial Penalty
Part 603, Rule 1926.62(d)(1)(i), Lead Exposure in Construction, Exposure assessment	Contractor did not determine if any employee may have been exposed to lead at or above the action level.	\$4,900
Part 603, Rule 1926.62(d)(2)(v), Lead Exposure in Construction, Interim protection during assessment of exposure	Contractor did not provide interim protection for employees who were exposed to lead during exposure assessment of manual demolition.	\$4,900
Part 603, Rule 1926.62(l)(3)(i), Lead Exposure in Construction, Communication of hazards	Contractor did not make a copy of the lead regulation readily available to employees.	\$0
Part 309, Rule 1926.1127(d)(1), Cadmium, General exposure monitoring	Contractor did not determine whether there was the possibility that employee exposures would be at or above the action level.	\$0
Part 309, Rule 1926.1127(d)(2), Cadmium, Specific exposure monitoring	Contractor did not conduct exposure monitoring.	\$0
Part 309, Rule 1926.1127(m)(4)(i), Cadmium, Training	Contractor did not train each employee who was potentially exposed to cadmium.	\$0
Part 309, Rule 1926.1127(m)(4)(iv)(A), Cadmium, Information	Contractor did not make a copy of the cadmium standard readily available.	\$0
<b>Total</b>		<b>\$45,800</b>



*Employees were exposed to asbestos, lead, and cadmium during manual demolition of the windows during the renovation project.*

*The window glazing contained 5% chrysotile asbestos.*

*White paint contained up to 9.1% lead and 0.016% cadmium.*

*Yellow paint contained up to 9.2% lead and 0.014% cadmium.*

*Brown paint contained up to 6.4% lead and 0.0063% cadmium.*

## Standards Update

Shannon Matsumoto, Program Manager, Technical Services Division (TSD)

The following standards are in the process of being revised:

- CS Part 21 Guarding of Walking and Working Areas
- GI Part 49 Slings
- GI Part 62 Plastic Molding
- GI Part 74 Fire Fighting
- GI & CS Part 451 Respiratory Protection
- Hand-Held Portable Dental X-Ray Systems

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## Standards Update *(continued)*

**Shannon Matsumoto, Program Manager, Technical Services Division (TSD)**

The following standards are being updated due to the standard improvement project issued by federal OSHA:

- CS Part 1 General Rules
- CS Part 6 Personal Protective Equipment
- CS Part 8 Handling and Storage of Materials
- CS Part 13 Mobile Equipment
- CS Part 14 Tunnels, Shafts, Caissons, and Cofferdams
- CS Part 21 Guarding of Walking and Working Areas
- CS Part 22 Signals, Signs, Tags, and Barricades
- CS Part 602 Asbestos Standards for Construction
- CS Part 603 Lead Exposure in Construction
- CS Part 604 Chromium (VI) in Construction
- CS Part 605 Methylenedianiline (MDA) in Construction
- CS Part 609 Cadmium in Construction
- CS Part 640 Beryllium in Construction
- GI Part 302 Vinyl Chloride
- GI Part 303 Methylenedianiline (MDA) in General Industry
- GI Part 340 Beryllium in General Industry
- GI & CS Part 304 Ethylene Oxide
- GI & CS Part 306 Formaldehyde
- GI & CS Part 307 Acrylonitrile
- GI & CS Part 308 Inorganic Arsenic
- GI & CS Part 309 Cadmium in General Industry
- GI Part 310 Lead in General Industry
- GI & CS Part 311 Benzene
- GI & CS Part 312 Butadiene
- GI & CS Part 313 Methylene Chloride
- GI & CS Part 314 Coke Oven Emissions
- GI Part 315 Chromium (VI) in General Industry
- GI Part 554 Bloodborne Infectious Diseases
- GI Part 590 Silica in General Industry

Watch the [MIOSHA standards web page](#) for final versions once they are approved.

## Clarification of Article in Fall 2019 Edition of MIOSHA News

MIOSHA offers the following clarification regarding an article in the Fall 2019 edition of the MIOSHA News, entitled “High Hazard Industry—Primary Metal Manufacturing.”

“The statements contained in the article were allegations and conclusions that were not proven in a hearing. The article is a description of events that resulted in citations that were resolved by settlement agreement and without any admission of liability or violation on the part of the employer.”

## Variances

Variances from MIOSHA standards are available to the public in accordance with Administrative Standards for All Industries, Part 12, Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA website: [michigan.gov/mioshavariances](http://michigan.gov/mioshavariances).



**Mission:**

To Protect the Safety and Health of Michigan Workers.

The MIOSHA News is a publication of the MIOSHA program.

Its purpose is to educate Michigan employers and employees about workplace safety and health. We encourage reprinting.

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[michigan.gov/miosha](http://michigan.gov/miosha)



LEO is an equal opportunity employer/program.